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04-26-02

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PATENTS  
103140-0014U



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:  
Andrew Sutherland et al.

Serial No.: 10/075,710

Filed: February 14, 2002

For: PEER-TO-PEER ENTERPRISE  
STORAGE

)  
Examiner: not yet assigned

)  
Art Unit: 2661

)  
Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
April 25, 2002

"Express Mail" Mailing-Label Number: EL736452474 US

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Enclosed in response to the Notice to File Missing Parts of Application-Filing Date Granted mailed March 12, 2002, is a Declaration for Patent Application executed by the inventors, along with a check for \$65.00 to cover the surcharge for this Response. The above-referenced application filed in the Patent and Trademark Office is the application that the inventors executed by signing the enclosed Declaration.

Also enclosed is a substitute set of formal drawing sheets containing corrected versions of Figs. 1-12. The margins on the substitute drawing sheets have been corrected


**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)  
**65****Complete if Known**

|                      |                                 |
|----------------------|---------------------------------|
| Application Number   | <b>10/075,710</b>               |
| Filing Date          | <b>February 14, 2002</b>        |
| First Named Inventor | <b>Andrew Sutherland et al.</b> |
| Examiner Name        | <b>not yet assigned</b>         |
| Group Art Unit       | <b>2661</b>                     |
| Attorney Docket No.  | <b>103140-0014U</b>             |

**METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number  
**03-1237**

Deposit Account Name  
**Cesari and McKenna, LLP**

Charge Any Additional Fee Required  
Under 37 C.F.R. §§1.16 and 1.17

Applicant claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:

Check     Credit card     Money Order     Other

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code                         | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid  |
|----------------------------------|----------|----------|----------|--|-----------|
| 105                              | 130      | 205      | 65       | Fee Surcharge - late filing fee or oath                                    | <b>65</b> |
| 127                              | 50       | 227      | 25       | Surcharge - late provisional filing fee or cover sheet                     |           |
| 139                              | 130      | 139      | 130      | Non-English Specification  |           |
| 147                              | 2,520    | 147      | 2,520    | For filing a request for ex parte reexamination                            |           |
| 112                              | 920      | 112      | 920*     | Requesting publication of SIR prior to Examiner action                     |           |
| 113                              | 1,840    | 113      | 1,840*   | Requesting publication of SIR after Examiner action                        |           |
| 115                              | 110      | 215      | 55       | Extension for reply within first month                                     |           |
| 116                              | 400      | 216      | 200      | Extension for reply within second month                                    |           |
| 117                              | 920      | 217      | 460      | Extension for reply within third month                                     |           |
| 118                              | 1,440    | 218      | 720      | Extension for reply within fourth month                                    |           |
| 128                              | 1,960    | 128      | 980      | Extension for reply within fifth month                                     |           |
| 119                              | 320      | 219      | 160      | Notice of Appeal   |           |
| 120                              | 320      | 220      | 160      | Filing a brief in support of an appeal                                     |           |
| 121                              | 280      | 221      | 140      | Request for oral hearing   |           |
| 138                              | 1,510    | 138      | 1,510    | Petition to institute a public use proceeding                              |           |
| 140                              | 110      | 240      | 55       | Petition to revive - unavoidable   |           |
| 141                              | 1,280    | 241      | 640      | Petition to revive - unintentional   |           |
| 142                              | 1,280    | 242      | 640      | Utility Issue fee (or reissue)   |           |
| 143                              | 460      | 243      | 230      | Design Issue fee   |           |
| 144                              | 620      | 244      | 310      | Plant Issue fee  |           |
| 122                              | 130      | 122      | 130      | Petitions to the Commissioner  |           |
| 123                              | 50       | 123      | 50       | Processing fee under 37 CFR 1.17(q)  |           |
| 126                              | 180      | 126      | 180      | Submission of Information Disclosure Stmt                                  |           |
| 581                              | 40       | 581      | 40       | Recording each patent assignment per property (times number of properties) |           |
| 146                              | 740      | 246      | 370      | Filing a submission after final rejection (37 CFR 1.129(a))                |           |
| 149                              | 740      | 249      | 370      | For each additional invention to be examined (37 CFR 1.129(b))             |           |
| 179                              | 740      | 279      | 370      | Request for Continued Examination (RCE)                                    |           |
| 169                              | 900      | 169      | 900      | Request for expedited examination of a design application                  |           |
| Other fee (specify)              |          |          |          |  |           |
| Other fee (specify)              |          |          |          |  |           |
| Reduced by Basic Filing Fee Paid |          |          |          | <b>SUBTOTAL (3) (\$)</b>   | <b>65</b> |

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code    | Fee (\$) | Small Entity Fee Code | Fee (\$) | Fee Description        | Fee Paid |
|--------------------------|----------|-----------------------|----------|------------------------|----------|
| 101                      | 740      | 201                   | 370      | Utility filing fee     |          |
| 106                      | 330      | 206                   | 165      | Design filing fee      |          |
| 107                      | 510      | 207                   | 255      | Plant filing fee       |          |
| 108                      | 740      | 208                   | 370      | Reissue filing fee     |          |
| 114                      | 160      | 214                   | 80       | Provisional filing fee |          |
| <b>SUBTOTAL (1) (\$)</b> |          |                       |          | <b>0</b>               |          |

**2. EXTRA CLAIM FEES**

| Total Claims       | - | 20** | = | 0 | x | 0 | = | 0 |
|--------------------|---|------|---|---|---|---|---|---|
| Independent Claims | - | 3**  | = | 0 | x | 0 | = | 0 |
| Multiple Dependent |   |      |   |   |   |   |   | 0 |

**Large Entity Fee Description**

| Large Entity Fee Code    | Fee (\$) | Small Entity Fee Code | Fee (\$) | Fee Description   |
|--------------------------|----------|-----------------------|----------|---|
| 103                      | 18       | 203                   | 9        | Claims in excess of 20                                    |
| 102                      | 84       | 202                   | 42       | Independent claims in excess of 3                         |
| 104                      | 280      | 204                   | 140      | Multiple dependent claim, if not paid                     |
| 109                      | 84       | 209                   | 42       | **Reissue independent claims over original patent         |
| 110                      | 18       | 210                   | 9        | **Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2) (\$)</b> |          |                       |          | <b>0</b>  |

\*\*or number previously paid, if greater; For Reissues, see below

**SUBMITTED BY****Complete (if applicable)**

|                   |                            |                                   |        |           |                |
|-------------------|----------------------------|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Patricia A. Sheehan        | Registration No. (Attorney/Agent) | 32,301 | Telephone | (617) 951-2500 |
| Signature         | <i>Patricia A. Sheehan</i> |                                   |        | Date      | April 25, 2002 |

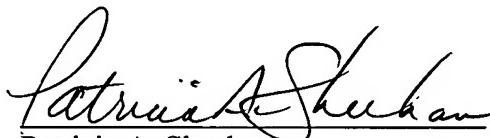
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Office, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

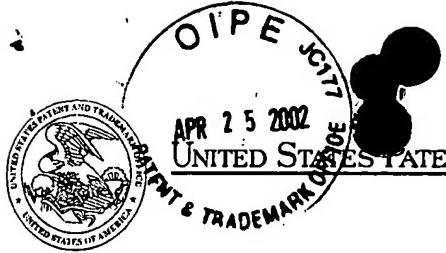
and should now be in compliance with 37 CFR 1.84. Further, please substitute the enclosed Abstract for the Abstract currently in the application. As required a replacement page is enclosed.

Please charge any additional fee occasioned by this paper to our Deposit Account No: 03-1237.

Respectfully submitted,

  
Patricia A. Sheehan  
Patricia A. Sheehan  
Reg. No. 32,301  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500

2025 RELEASE UNDER E.O. 14176



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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/075,710         | 02/14/2002          | Andrew Sutherland     | 103140-0014U           |

24267  
CESARI AND MCKENNA, LLP  
88 BLACK FALCON AVENUE  
BOSTON, MA 02210

cu msg Parts 4/12/02  
Msg Parts Due 5/12/02

CONFIRMATION NO. 8378  
FORMALITIES LETTER



\*OC00000007622219\*

Date Mailed: 03/12/2002

N/A

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- An Abstract not to exceed 150 words in length, commencing on a separate sheet (37 CFR 1.72(b)).

*A copy of this notice **MUST** be returned with the reply.*